1950

File No. Road Transport II/50(N)

Legal Department

B **BRANCH**

Subject:— Notifications under the Road Transport Corporation Act 1948

File No. Road Transport II/50 (N)

1903

Legal Department.

The requisite draft notification embodying draft amendment to G.M.H.D.No. 1780/5 dated the 16th November 1949 as orally settled in consultation with Mr. S.G.Madkarni is sent herewith.

2. Most of the difficulties pointed out by Mr. Madkarni may be obviated, if the State Road Transport Corporation is made a local authority for all purposes. Since the Road Transport Corporation Bill to replace the Road Transport Corporations Act, 1948, is already before the Parliament, the Government of India may be urged to make provision on the following lines in the said Bill :-

"Clause 3 of the Bill may be renumbered as Clause 3(1) and the following new sub-clause may be added to clause 3, namely :-

'(2) The Corporation shall for all purposes be deemed to be a local authority.'

J.R.Dhurandhar.
29/3.

Additional Secretary to Government.

U.R. to P.M.T.C. No. 4305 , dated the 29th March 1950.

SNT/18.6.

NOTIFICATION.
HOME DEPARTMENT.
Bombay Castle, 1950.

No. — In exercise of the powers vesting in the Government of Bombay under the Road Transport Corporation Act, 1948 (XXXII of 1948), the State Government is pleased to amend Government Notification, Home Department, No. 1700/5 dated the 16th November 1949, as follows, namely :-

In the said notification -

1. in clause 12, for the words "regulations made under this notification" the words "the Board" shall be substituted;

2. in clause 14, for the words "Chairman or any full time member" the words "any full time member or the Secretary or any Officer" shall be substituted;

3. after clause 32, the following new clause shall be inserted, namely :-

"32A Delegation of powers of Board. The Board may subject to such conditions as it deems fit delegate to any officer of the Board its powers, duties and functions under all or any of the provisions of this notification."

By order of the Governor of Bombay

Secretary to Government.

SRT/18.6.

Legal Department.

The proposed notification at pages 3 to 9 ante have got no statutory force and cannot be enforced legally.

2. The intention is that the administration of the Bombay State Road Transport Corporation should be taken over by the State Government for the purpose of running State Transport Service departmentally in the same manner as was being done prior to the establishment of the Corporation. Whatever instructions Government wants to give to the Motor Transport Controller may be given under a Government Resolution. The Motor Transport Controller being officer of the Government will be bound to observe the orders of Government. The proposal to publish the draft notification in the Bombay Government Gazette is not in order as the notification has got no legal basis. The draft of the resolution may be sent to Legal Department for scrutiny.

J.R.Dharandhar.
18/11.

Additional Secretary to Government.

U.R. to F.D.No. 16157 , dated the 18th November 1950.

SMR/18.6.